

Message Text

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PAGE 01 THE HA 02062 121531Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
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FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC IMMEDIATE 2429
INFO AMEMBASSY LONDON
AMEMBASSY PARIS

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E.O. 11652: N/A
TAGS: EAIR, NL
SUBJECT: DUTCH DENY PAN AM BUDGET FARE APPLICATION - FURTHER
DEVELOPMENTS AND COMMENT

REF: A) THE HAGUE 2009, B) STATE 93040

1. AT MEETING APRIL 11, FOREIGN MINISTRY'S TRANSPORT ADVISOR,
JAN NIEUWENHUIJSEN, GAVE US A COPY OF THE MESSAGE DELIVERED
THE SAME DAY BY DUTCH EMBASSY TO STYLES (REFTEL B).

2. IN RESPONSE TO OUR QUESTIONS, NIEUWENHUIJSEN REITERATED
THAT THE GOVERNMENT BASED ITS DENIAL ON THE ARTICLE 6 (C)
RIGHT TO PREVENT THE INSTITUTION OF A FARE WHERE THE NETHERLANDS
IS THE FIRST POINT ON THE ITINERARY. HE INDICATED THE POSSI-
BILITY, HOWEVER, THAT THE GOVERNMENT MIGHT MAKE AN ADDITIONAL
ARGUMENT BASED ON ARTICLE 6 (A). IN A TELEPHONE CALL APRIL 12,
NIEUWENHUIJSEN'S FOREIGN MINISTRY COLLEAGUE ALEXANDER VAN SCHELLE
MADE IT CLEAR THAT THIS POSSIBILITY WAS NOT UNDER CONSIDERATION.
VAN SCHELLE SAID THAT TO PREVENT ANY MISUNDERSTANDING, HE WANTED
US TO KNOW THAT THE MESSAGE DELIVERED TO STYLES WAS ONLY FOR
THE US GOVERNMENT'S INFORMATION.

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3. PAN AMERICAN NETHERLANDS' MANAGING DIRECTOR, PETER LEGRO,
WILL MEET WITH TRANSPORT MINISTRY'S R. SCHREURS AT 1000 HOURS
APRIL 13. LEGRO SAYS THAT HIS HEADQUARTERS HAS INSTRUCTED HIM
NOT TO GIVE ANYTHING AWAY.

4. COMMENT: THE DUTCH ARE HOPING THAT PAN AM AND SCHREURS WILL

WORK OUT AN AMICABLE ARRANGEMENT, THEREBY AVOIDING THE NECESSITY FOR EITHER GOVERNMENT TO ENTER INTO LEGAL ARGUMENTS THAT COULD AFFECT THE COMING TALKS ON THE MODEL TREATY. THIS RELUCTANT TO ENGAGE US IS EVIDENT IN VAN SCHELLE'S CLARIFICATION. THE DUTCH BELIEVE THAT ARTICLE 6 (B) DOES NOT REQUIRE THEM TO ISSUE A NOTICE OF DISSATISFACTION TO THE US FOR REJECTING A FARE FOR TRAFFIC ORIGINATING IN NETHERLANDS TERRITORY. UNDER THIS INTERPRETATION, THE ARTICLE 6 (B) NOTICE OF DISSATISFACTION IN PRESENT CIRCUMSTANCES WOULD ONLY BE APPROPRIATE FOR USE BY THE US GOVERNMENT. THUS, THE DUTCH ARE LEANING HEAVILY ON THE JOINT STATEMENT'S DECLARATION THAT "FARES AND RATES FOR TRAFFIC MOVING FROM ONE COUNTRY TO THE OTHER ON SCHEDULED AIR SERVICES WILL, UNDER THE AGREEMENT, BE SUBJECT TO THE SOLE CONTROL OF THE FIRST COUNTRY." THEY ARE RELUCTANT TO CONCEDE THAT ARTICLE 6 (A) MAY PLACE LIMITS ON THIS CONTROL.

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Message Attributes

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